

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOKIM PITTS,

Plaintiff,

-vs-

CITY OF CHICAGO DETECTIVE,
H. BARSCH, UNKNOWN AND
UNNAMED CITY OF CHICAGO
POLICE OFFICERS, and THE CITY
OF CHICAGO,

Defendants.

No. 2019 C 7573

The deposition of HENRY BARSCH called by the
Plaintiff for examination, taken pursuant to notice
and pursuant to the Federal Rules of Civil Procedure
for the United States District Courts pertaining to
the taking of depositions, taken before Lisa M. Walas,
Certified Shorthand Reporter, at 300 West Adams
Street, Suite 330, Chicago, Illinois, commencing at
1:17 p.m. on the 22nd day of July, A.D., 2020.

<p>1 APPEARANCES:</p> <p>2 EDWARD FOX & ASSOCIATES</p> <p>3 MR. ED FOX</p> <p>4 MS. JACLYN N. DIAZ</p> <p>5 300 West Adams Street</p> <p>6 Suite 330</p> <p>7 Chicago, Illinois 60606</p> <p>8 Phone: (312) 853-3489</p> <p>9 E-mail: efox@efoxlaw.com</p> <p>10 jdiaz@efoxlaw.com</p> <p>11 On behalf of the Plaintiff;</p> <p>12 CITY OF CHICAGO</p> <p>13 FEDERAL CIVIL RIGHTS LITIGATION</p> <p>14 MS. EMILY E. DORY</p> <p>15 MR. NATHAN SHINE</p> <p>16 30 North LaSalle Street</p> <p>17 Room 900</p> <p>18 Chicago, Illinois 60602</p> <p>19 Phone: (312) 742-6423</p> <p>20 E-mail: emily.dory@cityofchicago.org</p> <p>21 nathan.shine@cityofchicago.org</p> <p>22 On behalf of the Defendant Detective H.</p> <p>23 Barsch;</p> <p>24 CITY OF CHICAGO</p> <p>FEDERAL CIVIL RIGHTS LITIGATION</p> <p>MS. ANDREA CAMPBELL (via videoconference)</p> <p>MS. IRIS CHAVIRA (via videoconference)</p> <p>30 North LaSalle Street</p> <p>Room 900</p> <p>Chicago, Illinois 60602</p> <p>Phone: (312) 744-8362</p> <p>E-mail: andrea.campbell@cityofchicago.org</p> <p>iris.chavira@cityofchicago.org</p> <p>On behalf of the Defendants Unknown and</p> <p>Unnamed City of Chicago Police Officers and</p> <p>The City of Chicago.</p> <p>* * * * *</p>	<p>Page 2</p> <p>1 (Witness sworn.)</p> <p>2 WHEREUPON:</p> <p>3 HENRY BARSCH,</p> <p>4 called as a witness herein, having been first duly</p> <p>5 sworn, was examined and testified as follows:</p> <p>6 DIRECT EXAMINATION</p> <p>7 BY MR. FOX:</p> <p>8 Q. Sir, could you state your name and spell</p> <p>9 your name for the record?</p> <p>10 A. It's Henry Barsch, H E N R Y, last name</p> <p>11 Barsch, B A R S C H.</p> <p>12 Q. All right.</p> <p>13 MR. FOX: For the record, it's the deposition of</p> <p>14 the -- It's Detective Barsch, correct?</p> <p>15 THE WITNESS: Correct.</p> <p>16 MR. FOX: This is the deposition of</p> <p>17 Detective Barsch taken pursuant to notice and pursuant</p> <p>18 to all the applicable rules of Civil Procedure and</p> <p>19 applicable local rules. It's also being taken</p> <p>20 remotely and some attorneys are attending via Zoom and</p> <p>21 others are here and the reporter will take that down.</p> <p>22 BY MR. FOX:</p> <p>23 Q. Have you ever had your deposition taken</p> <p>24 before?</p>
<p>Page 3</p> <p>1 I N D E X</p> <p>2</p> <p>3 WITNESS PAGE</p> <p>4 HENRY BARSCH</p> <p>5 Direct Examination by Mr. Fox 4</p> <p>6 Cross-Examination by Mr. Shine 73</p> <p>7 Redirect Examination by Mr. Fox 83</p> <p>8</p> <p>9 E X H I B I T S</p> <p>10 BARSCH EXHIBIT PAGE</p> <p>11 Exhibit 1 (Original Case Incident 43</p> <p>12 Report)</p> <p>13 Exhibit 2 (Investigative Alert) 58</p> <p>14 Exhibit 3 (Field Investigation 60</p> <p>15 Suspended Report)</p> <p>16 Exhibit 4 (Interrogatories) 68</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>Page 5</p> <p>1 A. Yes.</p> <p>2 Q. All right. When was the last time?</p> <p>3 A. It was over a couple years ago. I can't</p> <p>4 remember.</p> <p>5 Q. All right. Well, the proceedings today</p> <p>6 will likely be similar except that we're all wearing</p> <p>7 masks. I'm going to ask you a series of questions,</p> <p>8 just make sure before you answer you've understood and</p> <p>9 you've heard me; and if not, I will repeat or rephrase</p> <p>10 it. When I ask questions, try to wait for me to be</p> <p>11 done before you answer because if we talk over one</p> <p>12 another, that will make the record difficult and</p> <p>13 likewise I'll try to wait for you to be done with your</p> <p>14 answer before I ask the next question. When you</p> <p>15 answer, please do it verbally. Uh-huhs and uh-uhs</p> <p>16 don't work well with the reporter and nods of the head</p> <p>17 don't well, so we need to have verbal answers. If you</p> <p>18 need to take a break for any reason, let us know and</p> <p>19 we can do that as long as there's no question pending.</p> <p>20 And the court reporter just put you under oath which</p> <p>21 has the same force and effect as if you were</p> <p>22 testifying in a court of law and you're under</p> <p>23 obligation to tell the truth. Do you understand all</p> <p>24 of what I just said?</p>

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1 A. Yes.

2 Q. In preparation for this deposition today,

3 did you review anything?

4 A. Paperwork-wise?

5 Q. Correct.

6 A. No.

7 Q. Did you talk with anybody about this

8 deposition outside the presence of your attorneys?

9 A. No.

10 Q. Have you ever read any of the police

11 reports that are in connection with the arrest of

12 Pitts?

13 A. No.

14 Q. Have you ever seen any video there in

15 connection with this incident?

16 A. Yes.

17 Q. And what video is that?

18 A. Neighbors' video.

19 Q. Did you see it with your neighbors or with

20 other police officers or both?

21 A. Off of just recollection, I believe it was

22 just the police officers.

23 Q. And which neighbors' video did you look at?

24 A. Neighbors of north and east on my block.

Page 7

1 Q. North and east of your block you said?

2 A. (Nodding.)

3 Q. That's yes?

4 A. Correct.

5 Q. And what was their name?

6 A. I do not recall.

7 Q. Did you know who they were from the

8 neighborhood?

9 A. Can you rephrase that question?

10 Q. Sure. Did you know who those neighbors

11 were before you looked at the video?

12 A. Know them how?

13 Q. Know them either socially or just by seeing

14 them on the street or in any other way.

15 A. I seen their faces, I knew they were

16 neighbors.

17 Q. Had you ever socialized with them?

18 A. You mean socialize, talk to, hello

19 greetings?

20 Q. Yes.

21 A. Yes.

22 Q. Had they ever been to your house to dinner

23 or vice versa?

24 A. No.

Page 8

1 Q. And you don't remember their names?

2 A. I do not.

3 Q. Now, just by way of background, you started

4 with the Chicago Police Department in 1996?

5 A. Yes.

6 Q. And did you work for any other police

7 agencies before that?

8 A. No.

9 Q. What kind of work did you do before them?

10 A. My employment?

11 Q. Yes.

12 A. I worked at the Board of Trade, for

13 St. Xavier University, a couple other places in

14 between.

15 Q. Okay. And then after you joined the police

16 department, where was the first district that you were

17 assigned to?

18 A. I was assigned to the 21st District.

19 Q. As a patrol officer?

20 A. That's correct.

21 Q. How long were you there for?

22 A. I was assigned there for nine years,

23 approximately.

24 Q. Where did you go from there?

Page 9

1 A. I was promoted to detective.

2 Q. So you were promoted to detective in around

3 2005? Does that sound right?

4 A. 2006.

5 Q. And when you were promoted to detective,

6 where did you work, what district or what area?

7 A. The area was called Area 2 at the time.

8 Q. And how long did you remain there for in

9 that area?

10 A. I've been there ever since 2006.

11 Q. Okay. What is it called now?

12 A. It was called Area South for a while and

13 now it's back to Area 2.

14 Q. And is the -- the station where that's

15 located, is that 111th Street?

16 A. The area is located at 727 East

17 111th Street.

18 Q. And have you had any CRs filed against you

19 that were initiated by citizens?

20 A. Off the top of my head?

21 Q. Yes.

22 A. I believe so, yes.

23 Q. Do you know how many?

24 A. No.

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1 Q. Have any that were filed by citizens ever
2 been sustained against you?
3 A. None that I know of.
4 Q. And have you ever been named a defendant in
5 any civil case arising out of your work as a police
6 officer?
7 A. I believe so.
8 Q. How many times?
9 A. I'm not sure.
10 Q. Do you know what happened to those cases?
11 In other words, did any of them go to trial?
12 A. I don't know.
13 Q. Did you ever testify in any civil court in
14 connection with any case in which you were named a
15 defendant?
16 A. I don't believe so.
17 Q. Okay. I want to turn to an incident you
18 had with Jokim Pitts back in June of 2004. Do you
19 recall that?
20 A. Yes.
21 Q. And in that incident in which you had
22 contact with Pitts, you were off duty; is that right?
23 A. I was heading in to work.
24 Q. And while you were heading in to work, you

Page 11

1 made some observations on the street or is that how it
2 led to your involvement?
3 MR. SHINE: I'll object to form.
4 BY THE WITNESS:
5 A. I made some observations, yes.
6 Q. What observations did you make?
7 A. I saw the subject pointing a gun at another
8 subject's head while he was pulling on a purse.
9 Q. And how far away were you from those people
10 when you made your observations, roughly?
11 A. I have no idea.
12 Q. Would you say it was more or less than
13 10 feet?
14 A. More than 10 feet.
15 Q. Was it daylight out?
16 A. No.
17 Q. What time was it, roughly?
18 A. I don't recall the specific time.
19 Q. And without getting into a lot of detail in
20 connection with that incident, you wound up shooting
21 the offender; is that correct?
22 A. Correct.
23 Q. And how many times did you shoot him?
24 A. I believe five times.

Page 12

1 Q. And in that instance you said he had a gun,
2 correct?
3 A. Correct.
4 Q. And did he point the gun at you?
5 A. Yes.
6 Q. In that incident, did you wind up being the
7 person -- being the officer who handcuffed -- And for
8 the record, that was Pitts that you had this incident
9 with; is that correct?
10 A. That's correct.
11 Q. Okay. Were you the one -- Were you the
12 officer who wound up handcuffing Pitts in that
13 instance?
14 A. No.
15 Q. Other officers came on the scene and
16 assisted?
17 A. Correct.
18 Q. Did you assist at all with physically
19 taking Pitts into custody in that incident?
20 A. No.
21 Q. Did you ever get closer to him -- closer
22 than 10 feet to him during that incident?
23 A. What time of the incident?
24 Q. At any time.

Page 13

1 A. I believe that when he was still armed, I
2 might have been close to 10 feet or closer after
3 shots -- after I fired shots. I don't think I came
4 any closer than the original amount of space that he
5 came up on me.
6 Q. And -- I'm sorry -- I missed it. So that
7 was -- you were closer than 10 feet to him at some
8 point or no?
9 A. Possibly at the beginning, yes.
10 Q. And eventually in that instance, an
11 ambulance came and took Mr. Pitts; is that correct?
12 A. Correct.
13 Q. Now, after -- did you -- By the way, did
14 you accompany the ambulance or anybody to the hospital
15 where he was taken to?
16 A. No.
17 Q. Okay. After Pitts was taken away from the
18 scene in the ambulance, did you see him again that
19 day?
20 A. No.
21 Q. Did you attend any of the subsequent court
22 appearances that Pitts had in connection with that
23 case?
24 A. Yes.

<p style="text-align: right;">Page 14</p> <p>1 Q. And was there a trial in that case?</p> <p>2 A. Yes.</p> <p>3 Q. Did you testify at that trial?</p> <p>4 A. Yes.</p> <p>5 Q. How many times did you attend court in that</p> <p>6 case?</p> <p>7 A. I don't know.</p> <p>8 Q. Was it more than once?</p> <p>9 A. Yes.</p> <p>10 Q. At any time -- Withdraw that.</p> <p>11 How many times did you see Pitts between --</p> <p>12 after the incident where he was arrested and up until</p> <p>13 the time he was convicted on that case? How many</p> <p>14 times did you see him?</p> <p>15 A. I don't know.</p> <p>16 Q. At any time that you observed -- that you</p> <p>17 were able to observe Pitts, did he say anything to</p> <p>18 you?</p> <p>19 A. I don't recall.</p> <p>20 Q. At any time during the time period after --</p> <p>21 just after the incident and up through the end of his</p> <p>22 court case -- let me change that to be up until the</p> <p>23 end of his trial -- By the way, were you there for</p> <p>24 when the verdict was rendered in that case?</p>	<p style="text-align: right;">Page 16</p> <p>1 A. No.</p> <p>2 Q. And then did he ever communicate with you,</p> <p>3 to your knowledge, at all after his arrest and up</p> <p>4 until March 12th of 2019 which is the day before the</p> <p>5 incident in this case?</p> <p>6 A. Not to my knowledge.</p> <p>7 Q. When you went to court and testified in the</p> <p>8 Pitts robbery case, you saw Jokim Pitts at that time;</p> <p>9 is that right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. After you were done with your</p> <p>12 testimony in that case, did you ever see him again up</p> <p>13 until March -- up until and including March 12th of</p> <p>14 2019?</p> <p>15 A. Up and to the incident that occurred on my</p> <p>16 porch?</p> <p>17 Q. Yes, sir.</p> <p>18 A. In between or on that day?</p> <p>19 Q. No, before that day.</p> <p>20 A. Before that day?</p> <p>21 Q. Let me just get the question out fully</p> <p>22 then. The incident as I understand it that we're here</p> <p>23 about happened on March 13th. So my question is, up</p> <p>24 until March 12th, the day before, to your knowledge,</p>
<p style="text-align: right;">Page 15</p> <p>1 A. No.</p> <p>2 Q. During the course of time until -- until</p> <p>3 Pitts was convicted in that case, did he ever threaten</p> <p>4 you in any fashion?</p> <p>5 A. During the court proceedings?</p> <p>6 Q. Yeah, during -- not actually at the court</p> <p>7 proceedings, but I'm including that, but at any time</p> <p>8 during that time period did he threaten you?</p> <p>9 A. Which time period?</p> <p>10 Q. From the time he was arrested in 2004 to</p> <p>11 the end of his trial for that robbery.</p> <p>12 A. I don't recall.</p> <p>13 Q. If he had threatened you, would you have</p> <p>14 made a note of it or reported it to somebody?</p> <p>15 A. I would have had to, yes.</p> <p>16 Q. Do you recall if you made any report of him</p> <p>17 threatening you during that same time period?</p> <p>18 A. The same time period -- same question?</p> <p>19 Q. Correct.</p> <p>20 A. I don't recall.</p> <p>21 Q. And then following that up until -- up</p> <p>22 until the date of the incident we're here about which</p> <p>23 is March 13, 2019, up until that day, did Pitts ever</p> <p>24 threaten you?</p>	<p style="text-align: right;">Page 17</p> <p>1 had you ever seen him?</p> <p>2 A. Between the court and that date?</p> <p>3 Q. Correct.</p> <p>4 A. No, not to my knowledge I didn't.</p> <p>5 Q. Okay. Now, after Pitts was sentenced on</p> <p>6 the robbery case that you testified at, did you keep</p> <p>7 track of where he was being housed?</p> <p>8 A. Individually?</p> <p>9 Q. Correct.</p> <p>10 A. No.</p> <p>11 Q. Did you -- Up until the day before this</p> <p>12 incident, again up until including March 12th of 2019,</p> <p>13 did you make any inquiries as to Pitts' location?</p> <p>14 A. Before the incident?</p> <p>15 Q. Correct.</p> <p>16 A. No.</p> <p>17 Q. Up until the -- Up until the incident, but</p> <p>18 not including it, did anybody keep you informed of</p> <p>19 Pitts' location in connection with him being in the</p> <p>20 prison system?</p> <p>21 A. No. I don't -- I don't recall if -- They</p> <p>22 have a victim notification that I never got notified</p> <p>23 he was out or anything. You know, I signed up for</p> <p>24 that, but I never got no notifications.</p>

Page 18

1 Q. So you were signed up for that -- And I was
 2 going to get to that. You were signed up for a victim
 3 notification?
 4 A. I was, but I never got one.
 5 Q. Okay. And is the victim notification that
 6 you were signed up for -- is that something that you
 7 had to go sign up yourself or was that done for you?
 8 A. I believe it's offered from Victim Witness
 9 of Cook County.
 10 Q. And when it was offered, you accepted it?
 11 A. Yes.
 12 Q. And then what did you have to do to sign up
 13 for that?
 14 A. It's a long time ago, and I believe I just
 15 gave them my e-mail address.
 16 Q. Okay. So as of March 13, 2019, which is
 17 the day of the incident, your -- you were a detective;
 18 is that correct, as of that date?
 19 A. Yes.
 20 Q. And you worked at Area -- Was it called
 21 Area 2 or Area South at that time?
 22 A. Area South.
 23 Q. And which shift did you work that day,
 24 March 13th?

Page 19

1 A. Second watch.
 2 Q. What are the hours for that?
 3 A. Daytime hours.
 4 Q. Which are what?
 5 A. It varies.
 6 Q. What was it that day?
 7 A. I can't recall what time that day was.
 8 Q. It would be indicated on your ANA sheet for
 9 that shift?
 10 MR. SHINE: I would object to the extent he's not
 11 a 30(b)(6) witness.
 12 BY THE WITNESS:
 13 A. They would have times on there, but that
 14 doesn't necessarily mean they put it on an ANA.
 15 Sometimes we come in earlier, sometimes we stay later.
 16 So I don't know what's attached to an ANA.
 17 Q. So when you come in to work without regard
 18 to the ANA sheet, do you sign in?
 19 A. No.
 20 Q. Do you know if you came in earlier than
 21 your typical daytime hour shift on March 13th or later
 22 or your regular time?
 23 A. I don't know.
 24 Q. Do you recall if you were working on

Page 20

1 anything in particular on March 13, 2019, that would
 2 prompt you to come in either earlier or later than
 3 your typical starting time?
 4 A. That would have me adjust hours?
 5 Q. Correct.
 6 A. I don't recall if we adjusted hours or
 7 anything we were working on that day.
 8 Q. Who was your partner as of March 13, 2019?
 9 A. Detective Hill, H I L L.
 10 Q. And what kind of crime did you -- were you
 11 investigating at that time?
 12 A. We were assigned to cold case squad.
 13 Q. As of March 13, 2019, who did you live
 14 with?
 15 A. My family.
 16 Q. And who else -- Who was that?
 17 A. Wife and three sons.
 18 Q. And how old are your sons?
 19 A. Currently?
 20 Q. Well, as of March of 2019 or currently,
 21 either way is fine, but just --
 22 A. Currently, they're 18, 17, and 11.
 23 Q. And as of March 13th of 2019, did your wife
 24 work?

Page 21

1 A. Yes.
 2 Q. And what were her typical working hours at
 3 that time?
 4 A. Daytime hours.
 5 Q. Like, 9:00 to 5:00?
 6 A. Her shifts varied too.
 7 Q. So you indicated that -- on March 13, 2019,
 8 you indicated that somebody came to your door --
 9 somebody came to your door; is that correct?
 10 A. Yes.
 11 Q. And what time was that, roughly?
 12 A. Late afternoon hours.
 13 Q. What time?
 14 A. I don't recall the exact time.
 15 Q. Who was home at that time when the person
 16 came to your door?
 17 A. One of my sons.
 18 Q. And that was the one who is now 11?
 19 A. The one who's 11 and there was another son
 20 that I didn't know was home that was in the bedroom.
 21 Q. And which son was that, the older one or
 22 the middle one?
 23 A. I don't recall which one was it, but I know
 24 it was one.

Page 22

1 Q. And was your wife home or at work at that
2 time?

3 A. She was not home.

4 Q. Was she working to your knowledge?

5 A. I don't know where -- if she was at work or
6 if she was coming back from work or if she stopped for
7 shopping. I don't know exactly where she was or if
8 she was still at work.

9 Q. When this person came to your door on
10 March 13th, was it still light outside?

11 A. Yes.

12 Q. Okay. And did this person knock on your
13 door or ring the bell?

14 A. At the time, they did knock on the door.

15 Q. And who answered the door?

16 A. My son, the 11-year-old.

17 Q. And what's his name?

18 MR. SHINE: I would object.

19 MR. FOX: To what?

20 MR. SHINE: To the extent you're seeking
21 information relative to a minor.

22 MR. FOX: We can keep this -- I don't know that
23 it's privileged or not. We can keep this confidential
24 if you're concerned about them.

Page 23

1 MS. DORY: If we're going to do a name, can we do
2 the initials?

3 MR. FOX: Sure, the initials are fine.

4 BY THE WITNESS:

5 A. D.

6 Q. And then this individual talked to D before
7 you got to the door?

8 A. Yes.

9 Q. And so how did it come to pass that you
10 came to the door?

11 A. He yelled for me.

12 Q. Your son?

13 A. Yes.

14 Q. And when he yelled for you, what did he
15 say?

16 A. He asked me to come to the front door.

17 Q. And so I take it you went to the front
18 door?

19 A. Correct.

20 Q. So when you went to the front door, what
21 happened?

22 A. I encountered the subject on my front
23 porch.

24 Q. And describe him, his physical appearance.

Page 24

1 A. He was a male around mid 30s, lower 30s; my
2 height, larger build; corn rolls in his hair, unkempt;
3 he was wearing a leather jacket, 8 Ball leather
4 jacket.

5 Q. A what?

6 A. An 8 Ball leather jacket. It had an 8 ball
7 on it.

8 Q. It had the words eight ball on it?

9 A. No. It was an actual 8 ball from a pool
10 game.

11 Q. Okay.

12 A. That's all I could recall. I can't recall
13 the T-shirt he was wearing or a sweatshirt underneath
14 or what pants he was wearing.

15 Q. He said he was about your height. How
16 tall?

17 A. He would be between, I'd say, five, nine
18 and six foot.

19 Q. Did he have any distinguishing marks on his
20 face, like tattoos or any other distinguishing marks?

21 A. None that I can recall.

22 Q. Was he wearing glasses?

23 A. No.

24 Q. Did he have facial hair?

Page 25

1 A. Yes.

2 Q. Do you remember anything else about his
3 description other than what you've already indicated?

4 A. No.

5 Q. So when you got to the door, what was the
6 conversation that occurred?

7 A. When I got to the door, I asked him if I
8 could help him and he asked me a question.

9 Q. What was the question?

10 A. He asked me if I wanted to sell my car.

11 Q. And then how did the conversation proceed
12 from there?

13 A. I told him the car wasn't for sale.

14 Q. And then what happened?

15 A. He said I'll catch you later or I'll see
16 you later, at which time he went back -- hurried back
17 to his car, jumped in the car and took off.

18 Q. And was your son present when this
19 conversation occurred?

20 A. I don't recall. I don't believe so.

21 Q. So when he asked about if you wanted to
22 sell your car, did he say what type of car he was
23 referring to?

24 A. While he was speaking, he glanced over to

Page 26

1 where the car was in the back of my driveway.
 2 Q. So at your house, you had your car parked
 3 in your driveway?
 4 A. It was in the back. It was halfway down
 5 the lane.
 6 Q. So can you describe for me -- Does the
 7 driveway -- You say halfway down your driveway. Does
 8 the driveway go from the street back to a garage
 9 toward the back of your house?
 10 A. Correct.
 11 Q. Okay. And is your driveway -- is it
 12 located to one side or the other of your house?
 13 A. It's -- would be on the south side -- The
 14 driveway is on the south side of the house.
 15 Q. And you have a garage at the rear of the --
 16 at the end of the driveway?
 17 A. Correct.
 18 Q. What kind of car?
 19 A. 2001 Yukon. That's it.
 20 Q. And did you have -- Was anything else said
 21 that you haven't testified to between you and the guy
 22 who came to your door?
 23 A. I don't recall.
 24 Q. And did he say -- did he say anything of a

Page 27

1 threatening nature to you?
 2 A. Just that -- No. As a threat, no.
 3 Q. At the time that you were having the
 4 conversation with him, did you recognize him at that
 5 time?
 6 A. As I was speaking with him, I -- it came to
 7 my head that that might be Mr. Pitts.
 8 Q. And I take it the guy you were speaking
 9 with at the front door did not identify himself or did
 10 he?
 11 A. Did not.
 12 Q. Did you ask him to identify himself?
 13 A. No.
 14 Q. And why did you -- why did -- Why did you
 15 think it might be Pitts as you were speaking to him?
 16 A. He just reminded me of him at the time.
 17 Q. Did he look like him in your mind?
 18 A. That's who he reminded me of, very -- To
 19 look at him, I thought this might be him.
 20 Q. And then you said -- after you said the car
 21 was not for sale, he said words to the effect of I'll
 22 catch you later and he hurried back to his car; is
 23 that correct?
 24 A. Correct.

Page 28

1 Q. And where was his car parked?
 2 A. Directly in front of my residence.
 3 Q. Was it in a legal parking zone in front of
 4 your residence?
 5 A. Yes.
 6 Q. I take it you observed him as he went into
 7 his car?
 8 A. I did.
 9 Q. And what kind of car was it?
 10 A. It was a silver-gray SUV.
 11 Q. What make and model?
 12 A. Unknown.
 13 Q. I'm sorry?
 14 A. I don't know.
 15 Q. You said that while you were talking to him
 16 it occurred to you that it could be Mr. Pitts,
 17 correct?
 18 A. Correct.
 19 Q. Okay. Did -- As he was -- How far from
 20 the -- How far from your front door where you were
 21 standing is the street where his car was parked,
 22 roughly?
 23 A. Distance-wise I couldn't -- There's a
 24 parkway, a sidewalk, and then my front lawn.

Page 29

1 Distance, I don't know how -- what the measurement
 2 would be.
 3 Q. All right. Did you catch the license plate
 4 of the car?
 5 A. No.
 6 Q. You said it was a silver-gray SUV. Was it
 7 a dark colored silver gray or a little color or a
 8 medium or how?
 9 A. I don't -- The tint of it I can't recall.
 10 Q. I'm sorry?
 11 A. The tint of the color I can't recall.
 12 Q. Did it appear to be a newer SUV or an older
 13 one -- an older model?
 14 A. It appeared to have -- It was older, but
 15 not old.
 16 Q. And I take it since you were -- considered
 17 that it might be Mr. Pitts while he was at your door,
 18 you were intent on looking at the car that he was
 19 getting into to see if you could identify it?
 20 A. Yes. I'm sorry. Is that when I was
 21 approaching?
 22 Q. I'm sorry?
 23 A. When I was approaching the car?
 24 Q. Well, did you approach the car?

Page 30

1 A. Well, I attempted to on my porch and the
2 car drove away.

3 Q. So as he was getting in -- Well, as he
4 exited -- or as he exited the area of your front
5 porch, did you follow -- started following him out?

6 A. Yes.

7 Q. And when you said -- Did -- Withdraw that.
8 Did he run to his car or just walk quickly
9 or some other fashion?

10 A. He -- It wasn't a run, but it was a fast
11 walk.

12 Q. And how close to his car did you get when
13 you were walking toward his car before he exited?

14 A. I don't recall.

15 Q. Did you see the license plate?

16 A. I saw that there was a plate on the car. I
17 could not read the numbers on the plate by the time I
18 got up to the sidewalk.

19 Q. And so after he left the area, what did you
20 do in connection with that conversation?

21 A. I went back in the house.

22 Q. And what did you do then regarding that
23 event?

24 A. I went back to work.

Page 31

1 Q. So this incident when you were home
2 happened in the middle -- somewhere during the time of
3 your work shift?

4 A. I believe it happened while I was at work,
5 it was in the middle of shift or outside of my normal
6 shift hours. I can't recall.

7 Q. Well, if you went back to work, then it
8 would have been somewhere during the time of your
9 shift; is that a fair statement?

10 A. Can you -- When you mean by shift, you
11 mean that's -- We usually have a shift and then we
12 work extra hours. Are you considering that part of
13 shift as the extra hours?

14 Q. Let me rephrase it. You weren't done for
15 the day at work at the time this incident happened?

16 A. Correct.

17 Q. And why did you -- Why were you home at
18 that point in time if you were working?

19 A. I came home to grab something eat and make
20 the 11-year-old mac and cheese.

21 Q. Was this lunch or dinner or what?

22 A. It could have been in between. It could
23 have been dinner.

24 Q. So when you went back -- You said you went

Page 32

1 back to work. Does that mean you went back to the
2 area on 111th Street?

3 A. Correct.

4 Q. And when you went back to work, did you
5 report it to somebody -- somebody else at work?

6 A. Yes.

7 Q. And did you do that right away when you
8 went back to work?

9 A. I don't recall exactly how much time had
10 passed because we were -- I had some other duties to
11 attend to, but I believe the first time I had a chance
12 to talk to somebody I did.

13 Q. And who was the first person you talked to
14 about it?

15 A. Sergeant Beck.

16 Q. What time was it, roughly, that you talked
17 to Sergeant Beck?

18 A. I don't recall.

19 Q. And what did Sergeant Beck say about it to
20 you when you reported it?

21 A. He asked me what the circumstance were.

22 Q. And did you describe the circumstances?

23 A. Yes.

24 Q. Did you describe basically what we've been

Page 33

1 talking about here occurred on your front porch?

2 A. Yes.

3 Q. And did you tell Sergeant Beck that you
4 believed or you thought it could be Pitts?

5 A. Yes.

6 Q. And did you tell him -- Did you tell
7 Sergeant Beck what you base that on that you believe
8 it might be Pitts?

9 A. When I arrived back to the area, I first
10 checked to see if the Illinois -- IDOC, the Illinois
11 Department of Corrections website, to see if he was
12 out because I had no idea, at which they had him
13 listed as discharged.

14 Q. So you looked on the -- When you got back,
15 the first thing you did is look at the Illinois
16 Department of Corrections website where they list the
17 inmates?

18 A. It might not have been the first thing, but
19 it was one of the things I did when I first got there.

20 Q. And then what else did you do in connection
21 with this incident when you got there?

22 A. To this incident?

23 Q. Correct.

24 A. I ran Mr. Pitts' name through a Google

Page 34

1 search.

2 Q. This is on a computer at work?

3 A. Yes, one of the front computers.

4 Q. And how did you spell his name when you ran

5 it?

6 A. I don't recall.

7 Q. When you ran the name, what information, if

8 any, came up?

9 A. A picture came up of someone with the name

10 Jokim or Jokim or an abbreviation of that, last name

11 Pitts. It was himself in a leather jacket with a

12 female.

13 Q. I'm sorry?

14 A. It was a picture of him with a female.

15 Q. And he was wearing you said a leather

16 jacket?

17 A. Yes.

18 Q. Was it the same leather jacket that you

19 believe you had seen at your house?

20 A. No. It was different.

21 Q. And what was the spelling of the Jokim that

22 came up on the Google search?

23 A. Oh, I don't recall.

24 Q. And was there a name -- Did his name show

Page 35

1 up on Google search Jokim Pitts or it's just what came

2 up when you ran?

3 A. There was several different variations of

4 that name, but the picture is what drew my attention

5 to it because that was the picture -- it looks like

6 the person who was on my porch.

7 Q. Did you print out that picture?

8 A. At some point -- I don't know if I printed

9 it out or if somebody else printed it out that was

10 working on the case. At one point, though, I did see

11 a printout copy of the picture.

12 Q. And where is that printout of that -- copy

13 of that picture now?

14 A. I don't know.

15 Q. To your knowledge, would it be in the

16 detective file?

17 A. I don't know.

18 Q. You said you saw it at one point in time

19 printed out, correct?

20 A. Yes.

21 Q. When you saw it printed out, where was it?

22 A. I saw it on a desk.

23 Q. Whose desk?

24 A. The floor desk.

Page 36

1 Q. And what's the floor desk? What is that?

2 A. That's -- Area South has one big floor

3 where they have different parts of the area working in

4 a work space.

5 Q. And who has access to the floor desk?

6 A. At times 280 detectives. 280 detectives at

7 the time and some outside units that come in and use

8 the space.

9 Q. The female that was in the picture, can you

10 describe what she looked like?

11 A. She was shorter and in mid 30s, maybe --

12 Q. What race?

13 A. -- off of recollection.

14 I don't recall exactly what race.

15 Q. Do you know if she was black?

16 A. No.

17 Q. Do you know if she was white?

18 A. She -- I don't know if she was white or

19 black. She was definitely more of a skin hinted -- or

20 a darker pigmented, so I don't know if she was white

21 or she had a good tan or she was of a Mediterranean

22 descent or something else.

23 Q. Do you remember what hair style she had or

24 her color hair?

Page 37

1 A. No.

2 Q. Do you remember her color eyes?

3 A. No.

4 Q. Do you remember what she was wearing in the

5 picture?

6 A. No.

7 Q. Do you remember her age, roughly her age?

8 MR. SHINE: I'm going to object to speculation.

9 BY THE WITNESS:

10 A. I would say later than 20s, but more maybe

11 in her 30s. That was a guess.

12 Q. So once you did the Google search and you

13 came up with that picture, what was -- what else did

14 you do?

15 A. That's -- I had that picture when I

16 approached Sergeant Beck.

17 Q. Had you printed it out at the time you

18 approached Sergeant Beck?

19 A. No.

20 Q. So you had it on your computer screen?

21 A. I had to look at -- I looked at it on the

22 computer screen. I don't know if it was left on the

23 computer screen or if I exited out of there.

24 Q. So -- And then you told -- At the time you

Page 38

1 talked to Sergeant Beck, you told him that you had
 2 done this -- you told him about the incident and you
 3 told him about your Google search?
 4 A. Correct.
 5 Q. And what did Sergeant Beck say that he
 6 would do about it, if anything?
 7 A. After telling him the circumstances, that
 8 we talked about several ways to document what had
 9 happened and he said -- he suggested the best way
 10 sounds like we have to make out a stalking incident
 11 report.
 12 Q. Did you run any other searches on Pitts on
 13 any database at the police department that day?
 14 A. I don't believe I did, no.
 15 Q. And I'm including LexisNexis. You have
 16 access to that, correct?
 17 A. I do not, no.
 18 Q. What other databases do you have -- Do you
 19 have Accurate? Do you use that database?
 20 A. I don't have access to that database.
 21 Q. And you didn't run his name in any other
 22 CPD databases?
 23 A. I did not that I recall.
 24 Q. So then you said -- So after this

Page 39

1 conversation with Sergeant Beck where he indicated to
 2 you to the effect of making out a stalking report,
 3 what did you do?
 4 A. I asked him if I should go to the district
 5 or go down to another district; and at that time, he
 6 assigned a brand-new detective who just came from the
 7 streets.
 8 Q. I'm sorry?
 9 A. He assigned a detective, a brand-new
 10 detective that was still going through his training to
 11 fill out a case report because he just came from
 12 patrol -- from patrolling.
 13 Q. And who was that detective?
 14 A. His first name is Pat, I don't know how to
 15 spell or pronounce his last name.
 16 Q. It begins with a K?
 17 A. I believe so.
 18 Q. And did you talk to him at the area about
 19 what had happened?
 20 A. Yes. He interviewed me.
 21 Q. By the way, when you talked to Sergeant- --
 22 when you were talking to Sergeant Beck about it, did
 23 you indicate to him that the person at your front door
 24 had threatened you in any fashion?

Page 40

1 A. No. That's why we didn't make an assault.
 2 Q. Okay. So then you said you talked to this
 3 Detective Pat and -- at the station, correct?
 4 A. Yes.
 5 Q. And did you describe for him what occurred
 6 at your front door?
 7 A. Yes.
 8 Q. Okay. Did you describe it much the same as
 9 you just described it here just now or was it any
 10 different?
 11 A. I don't -- I don't recall if there was any
 12 differences.
 13 Q. Do you recall if the detective asked you
 14 for a description of who it was that was at your front
 15 door?
 16 A. I don't recall the specific questions he
 17 asked me during that interview.
 18 Q. You said a few moments ago that he was a
 19 brand-new detective.
 20 A. Correct.
 21 Q. Did you yourself have any issues with
 22 Sergeant Beck assigning a brand-new detective to do --
 23 to work this case?
 24 MR. SHINE: I just object to relevance.

Page 41

1 MS. CAMPBELL: Join.
 2 BY THE WITNESS:
 3 A. I had no objections to that.
 4 Q. I'm sorry?
 5 A. He's not a -- The subject was not a new law
 6 enforcement officer, he was a new detective. And
 7 detectives -- Anybody with a certain number of years
 8 can't get access to the ARA (phonetic) reporting
 9 system. I do not have access to it, neither does a
 10 lot of the other detectives, but people who just came
 11 from patrol do; so I think that's why he assigned him
 12 to do the case report because he just came from patrol
 13 and he has access to that system.
 14 Q. What system are you referring to?
 15 A. ARA.
 16 Q. What is that?
 17 A. It's how they generate -- consider reports,
 18 case reports.
 19 Q. How do you spell that acronym, ARA?
 20 A. I have no idea.
 21 Q. So I guess I'm kind of -- I'm a little bit
 22 confused. As a detective, are you allowed to access
 23 case reports?
 24 A. I get the case reports through a system

Page 42

1 called the CRIS (phonetic) system which is detective
2 reports; and they're connected, but we cannot generate
3 the ARA reports. You can only do the supplemental
4 reports that are contained in CRIS.

5 Q. What's the difference between the
6 two reports?

7 A. They're two systems, two different systems.

8 Q. Okay. And was there a specific reason
9 why -- Was there a preference for the system the
10 detective had access to?

11 A. That's how you generate the incident
12 reports, the initial general case report.

13 Q. All right. So what would have happened if
14 he assigned this to a detective that didn't have
15 access to that? How would it go?

16 A. He would have assigned a patrol officer
17 either down stairs or 22nd Street.

18 Q. So did you talk with the detective at
19 111th Street that day?

20 A. Yes.

21 Q. Okay. Do you remember what time it was you
22 talked to him?

23 A. No.

24 Q. How much time did you spend talking with

Page 43

1 him?

2 A. I don't know.

3 Q. After you were done talking with the
4 detective, what did he say that he was going to do in
5 connection with the information you had given him?

6 A. He was going to submit the report for
7 approval.

8 Q. So I want to look at a document. It's
9 Bates-stamped FCRL66, 67, and 68. It's the original
10 case incident report and we'll call this Exhibit 1.
11 And if you could look at it -- if you could look at
12 the -- This appears to be the report of Patrick Kenah;
13 and if you could look at the second page, there's a
14 narrative toward the bottom, if you could read that to
15 yourself, I want to ask you about it.

(Witness peruses document.)

17 BY THE WITNESS:

18 A. Okay.

19 Q. Okay. First, have you seen this case
20 incident report before?

21 A. No.

22 Q. In the narrative, it says -- describes the
23 incident that you had and it says that -- right around
24 the middle of it, it says "The offender left off the

Page 44

1 porch and entered into a dark gray Mercury SUV and
2 drove off." So does that refresh your recollection
3 that you described the vehicle as a dark gray Mercury
4 SUV?

5 MR. SHINE: I've going to object to speculation
6 and mischaracterizing testimony.

7 MS. CAMPBELL: Join, foundation.

8 BY THE WITNESS:

9 A. It's been over a year. I don't exactly
10 know. I mean, he wouldn't have put it down there if I
11 didn't say anything, but I don't recall the exact
12 describers I gave him at that time. I don't know
13 exactly what, you know, the process was. I can't
14 recall exactly what I said.

15 Q. Okay. Do you have any reason to believe
16 that the description of a dark gray Mercury SUV is
17 incorrect or a mistake by Detective Kenah?

18 MR. SHINE: Objection, speculation.

19 BY THE WITNESS:

20 A. I don't believe that that's a mistake, that
21 he made a mistake in putting down a gray Mercury.

22 Q. Having read this, that this is how the car
23 is described in this report, does that refresh your
24 recollection as to the way the car looked on that day?

Page 45

1 A. It doesn't refresh -- I'm not the best with
2 cars. If it's between a Mercury or a Buick, I'm
3 not -- I just know in the first place gray and silver
4 are very close. Little describers I don't think make
5 a difference. So I don't believe that this is
6 incorrect or correct. I just don't recall what I
7 said.

8 Q. Okay. When you said you're not that good
9 with cars, what do you mean by that?

10 A. Well, today's cars, I couldn't really tell
11 you if it was a -- a certain model on some of the
12 cars, the SUVs. So if it said Mercury or if it said
13 another car, I don't know what, it really -- I don't
14 know.

15 Q. So when you say you're not so good at cars,
16 are you saying that if you were to look at a car, you
17 wouldn't know what kind of car it is without seeing it
18 written on the car Mercury or Ford or Chevy or Toyota
19 or whatever?

20 A. Correct. I'd have to see it say -- have an
21 emblem on it like a BMW on it. It would have to say
22 Jeep on it, you know, to know what some of these cars
23 are, not all of them, but some of them, especially
24 some of the off brands. I guess that would be some of

Page 46

1 the other cars.

2 Q. All right. So hypothetically, if this is

3 correct, that you told Detective Kenah that it was a

4 dark gray Mercury SUV, you would have seen the words

5 Mercury or the emblem from Mercury on the car?

6 A. I could have described it as a Mercury or a

7 dark gray, but silver or gray colored SUV. I might

8 have said dark at the time. I just don't recall

9 exactly what words I used. Even though I see it

10 there, I still don't remember exactly what I said. Is

11 it far off of what I said earlier of a SUV, is it gray

12 or silver, I don't believe there's much of a

13 difference unless it's, you know, a different car.

14 Q. Did you feel the car might be silver and

15 not gray, is that why you're saying that?

16 A. The car -- At the time -- Now, I don't know

17 because the distance between now and when I saw this

18 and what I said then, when I described it to him back

19 then, he might have put down dark Mercury. I don't

20 know exactly what words I used. Did I describe a dark

21 Mercury or maybe I didn't use the word Mercury, I

22 don't recall. I don't know. I don't exactly know

23 exactly what words I used. Now what I remember as of

24 today is it's either gray or silver SUV.

Page 47

1 Q. So you don't know if it was a Mercury or

2 not?

3 A. No.

4 Q. And as of today, do you know if it a dark

5 gray or silver SUV or medium gray or silver or a light

6 gray or silver?

7 A. I do not.

8 MS. DORY: Do you mind if we take a break real

9 quick?

10 MR. FOX: Sure.

11 (A short break was taken.)

12 MR. FOX: So did you want to note who is not

13 present anymore?

14 MS. DORY: Could we note on the record, please,

15 that Iris Chavira has left the deposition for the City

16 of Chicago, but Andrea Campbell is still present.

17 MR. FOX: All right.

18 BY MR. FOX:

19 Q. When we took a break, we were looking at

20 this report. And going back to the report, Exhibit 1,

21 it says -- under the section that I was reading about

22 the car, it says, "Detective Barsch also found it

23 curious that the offender would not knock on his door

24 and inquire about buying a vehicle that was clearly

Page 48

1 not for sale. Detective Barsch, totaling these

2 circumstances in his head, searched for the offender

3 on Facebook and CPD databases and learned ..." and it

4 goes on. So it says there that you did search on CPD

5 databases. And does reading that -- And you said

6 before that you don't recall searching any CPD

7 databases. I'm just wondering if reading that

8 refreshes you into any particular databases that you

9 looked at.

10 MR. SHINE: I'm going to object to speculation

11 and mischaracterizing prior testimony.

12 MS. CAMPBELL: Join.

13 BY THE WITNESS:

14 A. I do not recall looking at any CPD

15 databases at that time.

16 Q. Do you know of any officer at -- or boss or

17 supervisor at the area that did look at any CPD

18 databases?

19 MR. SHINE: Objection, speculation.

20 MS. CAMPBELL: Join.

21 BY THE WITNESS:

22 A. I don't know.

23 Q. Did anybody, either Sergeant Beck or any

24 detective, tell you that they had looked at any CPD

Page 49

1 databases?

2 A. I don't recall.

3 Q. And then a little while ago you were

4 talking about the photograph that you found on

5 Facebook with the woman and Pitts. And I want to

6 know, did you show that photograph to the detective

7 who took this report?

8 A. I don't recall if I showed him the

9 photograph or not.

10 Q. Did you show that photo -- Do you recall

11 showing that photograph to any particular officer or

12 sergeant or anybody?

13 A. Off my recollection, no, I don't recall.

14 Q. Did you find out the name of the woman who

15 was in the photograph?

16 A. I don't recall.

17 Q. Do you know if anybody found out the name

18 of the woman in the photograph?

19 MR. SHINE: Objection, speculation.

20 BY MR. FOX:

21 Q. If you know.

22 MS. CAMPBELL: Join.

23 BY THE WITNESS:

24 A. I don't know.

Page 50

1 Q. Now, you talked to the detective, and it
 2 says here the name is Patrick Kenah. Does that sound
 3 right to you?
 4 A. Sound right? I don't know.
 5 Q. Okay.
 6 A. I know his first name was Pat.
 7 Q. Okay. Whatever detective you spoke with,
 8 that was the same day as the incident, correct; it was
 9 March 13th you spoke with him?
 10 A. Yes.
 11 Q. And after you spoke with the detective and
 12 gave him -- and he interviewed you about this
 13 incident, what was the next thing you did in
 14 connection with it?
 15 A. In connection with this case?
 16 Q. Correct.
 17 A. That was it for that night.
 18 Q. Okay. So what was the next thing you did
 19 on another occasion, another day?
 20 A. I saw a video at my neighbors' house.
 21 Q. Which neighbor was this?
 22 A. I don't know their name.
 23 Q. You saw it at their house?
 24 A. Yes.

Page 51

1 Q. And how did that come to pass that you saw
 2 a video at your neighbors' house?
 3 A. I was asked to go down and take a look at
 4 the video.
 5 Q. And you were asked to go down where, to the
 6 neighbors' house?
 7 A. Correct.
 8 Q. And is this a house -- Where was this
 9 house?
 10 A. It was north and west of my house.
 11 (PURSUANT TO PROTECTIVE ORDER PAGE 51, LINE 14,
 12 THROUGH PAGE 52, LINE 14 WERE BOUND UNDER SEPARATE
 13 COVER.)
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 15 (PURSUANT TO PROTECTIVE ORDER PAGE 51, LINE 14,
 16 THROUGH PAGE 52, LINE 14 WERE BOUND UNDER SEPARATE
 17 COVER.)
 18 Q. And is this Teres (phonetic) Cleary?
 19 A. No.
 20 Q. How about -- I'm going to say someone
 21 else -- do you know who Teres Cleary is?
 22 A. That's my neighbor across the street from
 23 me.
 24 Q. She lives directly across the street from

Page 53

1 you?
 2 A. Correct.
 3 Q. And then how about Linda Reed? Do you know
 4 that name?
 5 A. No.
 6 Q. Joe Dass (phonetic)?
 7 A. No.
 8 Q. Larry Ashbrook?
 9 A. No.
 10 Q. And the neighbors that you went to, you
 11 don't recall the name?
 12 A. I do not.
 13 Q. But it was on [REDACTED] closer to 100th Street?
 14 A. Correct.
 15 Q. Was it on your side of the street or the
 16 opposite side of the street?
 17 A. Opposite.
 18 Q. Roughly, how many -- how many houses from
 19 the corner was it, roughly, of 100th?
 20 A. Roughly?
 21 Q. Roughly.
 22 A. It was only a couple. It wasn't the
 23 corner. It wasn't the next one. It might have been
 24 two or three. I don't know.

Page 54

Page 56

1 Q. Okay. So who was present when you viewed
2 the video?

3 A. I'm not sure. I don't recall everybody who
4 was there.

5 Q. Were any other CPD personnel there other
6 than yourself?

7 A. Yes.

8 Q. Do you remember who that was?

9 A. Detective Gillerlain was there.

10 Q. Anybody else that you can recall?

11 A. I don't recall off the top of my head.

12 Q. Were there others there, though, that you
13 just don't recall right now?

14 A. I recall that the neighbors that were on --
15 were in another room while we were looking at the
16 video, they were home; but that's it.

17 Q. All right. And then when you saw the
18 video, did you see anything of interest?

19 A. A few cars that went by.

20 Q. And were any of the cars cars that you
21 had -- that you thought you had seen before?

22 A. I couldn't positively identify the cars
23 that I saw -- that I might have saw before.

24 Q. And did you tell that to the other -- to

1 might look like it, do you recall the color of those
2 cars?

3 A. I can give you vague there's a couple SUVs
4 that went by that were silver or gray color.

5 Q. But you don't know the make or model of any
6 of them?

7 A. No.

8 Q. In that area, in the -- is [REDACTED] a busy
9 street in that area?

10 MR. SHINE: Objection, speculation.
11 BY MR. FOX:

12 Q. On your block.

13 A. No.

14 Q. How much time did you spend at the
15 neighbors' house looking at video?

16 A. Not long.

17 Q. Okay. Like, under a half hour?

18 A. I can't recall exactly when, but it wasn't
19 long at all.

20 Q. All right. Was this video -- to your
21 knowledge, was it taken in to custody?

22 A. I don't know.

23 Q. And which day was this? Was this one day
24 after the incident, March 14th, or was it a different

Page 55

Page 57

1 the other -- Well, you said Detective Gillerlain was
2 there?

3 A. Yes.

4 Q. I take it you told him you couldn't
5 positively identify any cars in the video?

6 A. There were a couple cars that looked like
7 it, but I couldn't make an identification off the
8 video.

9 Q. So did you tell Detective Gillerlain that
10 there was a car that looked like it or words to that
11 effect?

12 A. There might have been a couple cars, I
13 don't recall. I believe that there was a couple cars
14 that may have went through during the time frame,
15 which car I can't really recall.

16 MS. DORY: I think we need to mute one of the
17 computers.
18 (Brief pause.)
19 BY MR. FOX:

20 Q. Were any of the cars that you saw that you
21 thought might look like it -- were any of those a dark
22 gray Mercury SUV?

23 A. I don't recall.

24 Q. Were -- Any of the cars that you thought

1 day?

2 A. I don't really recall the date. I believe
3 it was right after the day that it happened, but it
4 might have been days later. I'm not sure.

5 Q. All right. Did you look at any more video
6 after this video that you just described looking at?

7 A. No.

8 Q. And so after you looked at the video, what
9 else, if anything, did you do in connection with this
10 case?

11 A. Nothing.

12 Q. Did any other defendants or any CPD
13 personnel come and question you again about the
14 incident after the first day of questioning that you
15 described?

16 A. No.

17 Q. On March 14th, the day that -- the day that
18 you believe you looked at the video, did
19 Detective Gillerlain interview you again about the
20 incident?

21 A. On the 14th?

22 Q. Correct.

23 A. I mean, he talked to me while we were
24 watching the video, but that's all I -- I don't know

<p style="text-align: right;">Page 58</p> <p>1 if it was an interview or if he was just asking 2 questions about the video or -- It was very -- We 3 spent a little bit with the video. 4 Q. All right. I'm going to -- And other than 5 that, the time period looking at the video and the day 6 before when you were talking to the detective who you 7 gave the description of what happened to you, do you 8 remember anybody else ever talking to you again about 9 this incident from the CPD? 10 A. No. 11 Q. So I'm going to ask you to look at now 12 Bates-stamped -- we'll call this Exhibit 2 -- FCRL112 13 and 113. 14 MS. DORY: Is that the Investigative Alert? 15 MS. DIAZ: It's the alert. 16 MR. FOX: It's the alert. 17 BY MR. FOX: 18 Q. So on these two pages there's an 19 investigative alert; and my first question is, did you 20 ever see this before? 21 A. No. 22 Q. Okay. This -- On the first page, FCRL112, 23 it describes the vehicle as a Mercury Mountaineer 24 Sport. Do you see that toward the bottom?</p>	<p style="text-align: right;">Page 60</p> <p>1 A. The one conversation I had with 2 Mr. Pitts -- 3 Q. Correct. 4 A. -- on my front porch, there was no direct 5 verbal threat. 6 Q. Okay. Now, I want to show you what we're 7 going to mark as Exhibit 3 is FCRL127 through 131. 8 It's a Field Investigation Suspended Report, 9 Exhibit 3. And then leaf through this and then I'm 10 just going to ask you if you recall seeing this report 11 before. 12 (Witness peruses document.) 13 MS. CAMPBELL: I'm sorry. Ed, what were those 14 Bates stamp numbers? 15 MR. SHINE: 127 through 131. 16 MS. CAMPBELL: What's the name of the report? 17 MR. SHINE: Case Supp Report. 18 MS. CAMPBELL: Okay. Thank you. 19 BY MR. FOX: 20 Q. Have you seen this report before? 21 A. No. 22 Q. I'm just going to ask you about a couple 23 things in it. If you go to page 4 of 5, and it's 24 FCRL130, it says -- and I'll just read it, it says --</p>
<p style="text-align: right;">Page 59</p> <p>1 A. Yes. 2 Q. Do you ever remember describing it as a 3 Mercury Mountaineer Sport? 4 A. I don't recall. 5 Q. Okay. And it also describes the style as a 6 truck. Do you ever -- Do you recall ever describing 7 the car as a truck? 8 A. No. 9 Q. If you go to the second page of this, which 10 is FCRL113, it says -- in the box -- and I'll just 11 read this for the record -- in the box of 12 Justification for Request, it says, "Pitts went to the 13 victim's residence," paren, "victim is active CPD, and 14 asked to buy the victim's car. The victim informed 15 Pitts that the vehicle was not for sale and Pitts 16 conveyed a threat to the victim. Pitts was previously 17 convicted of aggravated assault against the victim and 18 had recently been paroled for that crime." So when it 19 says "Pitts conveyed a threat to the victim," is it 20 your testimony that that's not true that he conveyed a 21 threat to you? 22 MR. SHINE: Objection to form and speculation and 23 mischaracterizing previous testimony. 24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 61</p> <p>1 in about the third paragraph under "Investigation," it 2 says, "On 14 March 2019, at approximately 830 hours, 3 Detective Gillerlain conducted an interview of 4 victim," slash, "witness Detective Henry Barsch. 5 During the interview, Detective Barsch related the 6 same facts contained in the initial Chicago Police 7 General Offense Case Report documented on 13 March 8 2019." So as far as you know, would this have been a 9 reference to the time that you were looking at the 10 video with Detective Gillerlain? 11 MR. SHINE: Objection to speculation. 12 BY THE WITNESS: 13 A. I don't know what he was referring to. 14 Q. All right. And then if you go to the next 15 page, 5 of 5, FCRL131, and then it says -- at the very 16 top paragraph, it says, "On 14 March 2019, during the 17 canvass, RDs recovered surveillance video footage 18 from," and it's redacted, "showing a silver SUV 19 driving north on," redacted. "RD later showed the 20 victim the footage and he related that it looked like 21 the SUV that he saw at the time of the incident." So 22 my question to you is, when you were viewing video on 23 March 14th at the neighbors' house, did you indicate 24 that the vehicle you saw on the video looked like the</p>

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1 SUV that you saw at the time of the incident?

2 A. I don't recall.

3 Q. Were you made aware that Pitts was arrested

4 based upon your complaint?

5 A. At what point?

6 Q. At any point.

7 A. I later found out that he was brought in.

8 I was told that he was contacted and then the

9 circumstances of everything, I was not -- I didn't

10 know of until this, these procedures.

11 Q. So when you say "these procedures," you're

12 talking about this lawsuit we're here for today?

13 A. Correct.

14 Q. Okay. So when he was -- At the time he was

15 arrested back on March 14th of 2019, you didn't find

16 out that day or even any time later that week that he

17 had been arrested?

18 A. The term arrested, him being taken into

19 custody, I didn't know -- I was not informed the

20 extent of any -- any actions that were taken by

21 anybody, so I don't have any knowledge. I was given

22 information regarding what he said during an interview

23 and what his claims were and what they were going to

24 do with the case at this point. And that was it.

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1 Q. So when you were given information about

2 what he was saying in the interview, was that to the

3 effect that he said he was at work at the time of the

4 incident that you allege that he was at your house?

5 A. Yes.

6 Q. Okay. And you were told that they were

7 going to verify that?

8 A. Yes.

9 Q. Okay. And do you remember who it was that

10 told you that?

11 A. I think it was Todd Gillerlain.

12 Q. I'm sorry?

13 A. Mr. Gillerlain, Detective Gillerlain.

14 Q. And Mr. Gillerlain -- Detective Gillerlain

15 is deceased now; is that correct?

16 A. Correct.

17 Q. Were you informed subsequently that it was

18 discovered that it was video showing that Pitts was at

19 work during the time that you said he was at your

20 house on March 13th?

21 A. I was informed that there was video that he

22 may have been at work, that there's -- but he could

23 not be identified at work.

24 Q. That what?

1 A. He could not be identified at work. It was

2 grainy video and identification could not be made of

3 him physically being there.

4 Q. And what, if anything, were you told about

5 subsequently by any member of the CPD in connection

6 with whether or not they believed Pitts to have been

7 at work or not?

8 A. Their claim -- What I was told is that he

9 said he was at work, he spoke to some people at work,

10 and there might be a possibility that he was at work;

11 but Mr. Pitts was claiming that it was his brother and

12 not him at my house, and that was his claim at the

13 time. And I that's what I was told.

14 Q. So you were told by somebody at the CPD

15 that Pitts was saying his brother was at your house,

16 but not himself?

17 A. Correct.

18 Q. And who was it that told you that?

19 A. Mr. Gillerlain.

20 Q. And when -- At that point then, to your

21 knowledge, was there an investigation of Mr. Pitts'

22 brother going to your house?

23 A. Yes.

24 Q. And what did that encompass? What were you

1 told about that?

2 A. They weren't -- They were going to bring

3 him in and talk to him when they get a chance.

4 Q. And what came from that?

5 MR. SHINE: Objection, speculation.

6 BY MR. FOX:

7 Q. If you know.

8 A. I still am waiting for that -- The

9 investigation is still ongoing.

10 Q. Did anybody tell you that they had looked

11 for his brother or done anything in connection with

12 furthering that investigation?

13 A. I haven't heard anything.

14 Q. I'm sorry?

15 A. I haven't heard anything.

16 Q. Who was it that told you that they were

17 looking into his brother?

18 A. Mr. Gillerlain.

19 Q. To your knowledge, who was

20 Detective Gillerlain's partner?

21 A. On that day?

22 Q. Yes.

23 A. I don't know off the top of my head.

24 Q. Do you know, did Detective Gillerlain --

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1 did he work at 111th Street too?

2 A. Yes.

3 Q. Who was his partner at that time?

4 MR. SHINE: Objection, speculation.

5 BY THE WITNESS:

6 A. I don't know.

7 Q. And to this day, have you ever found out

8 anything further about any further investigation of

9 Pitts' brother?

10 A. No.

11 Q. Has anybody indicated from CPD -- has

12 anybody indicated that they're furthering or

13 continuing to look at Pitts' brother?

14 A. No.

15 Q. Have you been -- Have you yourself made any

16 inquiries about this to anybody at CPD?

17 A. That someone is actively looking for his

18 brother?

19 Q. Correct.

20 A. Except for the initial information I

21 received, nothing after.

22 Q. Is it your intent to pursue an

23 investigation of Pitts' brother in connection with

24 this?

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1 MR. SHINE: Let me just object to relevancy.

2 BY THE WITNESS:

3 A. The -- My belief on the reporting of this

4 incident is that Illinois State stalking law,

5 third-party harassment or intimidation would still go

6 back to Mr. Pitts; so if it was his brother or not, it

7 doesn't matter. A second such action, I think it's a

8 Class 3 felony, if Mr. Pitts or his brother do

9 approach my house again with intent to harass or

10 threaten me, that I already have documentation and I

11 would at that point have them arrested and charged

12 with felonies.

13 Q. In your mind, if it was determined that it

14 was Pitts' brother that went to your house on

15 March 13, 2019, you would want him charged -- you

16 would want Jokim Pitts charged with stalking for that?

17 A. How it's read in the statute, he possibly

18 could be depending on if he sent him there or if he

19 gave him information to go to my house as an attempt

20 to use a third party. It's part of the statute. So

21 that's why I haven't really pursued it because they

22 haven't showed back up at my house or made any attempt

23 to threaten or harass me, but that's why I have not

24 pushed this further. If something else happens, I'll

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1 make another documentation and incident report of that

2 case and I'll present that to the State's Attorney's

3 Office then -- or I will call Chicago -- actually, I

4 will call the Chicago Police Department to present

5 that to the State's Attorney's Office.

6 Q. Do you know what efforts anybody -- any

7 member of the Chicago Police Department did, if

8 anything, to ascertain if it was Pitts' brother that

9 went to your house?

10 MR. SHINE: Objection to speculation.

11 BY THE WITNESS:

12 A. I don't know.

13 MS. CAMPBELL: Join.

14 BY MR. FOX:

15 Q. Okay. I want to show you another exhibit

16 which are your interrogatories, we'll call them

17 Exhibit 4.

18 MR. FOX: Do you folks have those?

19 MR. SHINE: Yep.

20 MR. FOX: All right.

21 BY MR. FOX:

22 Q. Before we look at this, I just wanted to

23 ask you, do you know what Pitts' brother looks like?

24 A. No.

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1 Q. Do you know his name?

2 A. No.

3 Q. Did any CPD personnel tell you that they

4 had seen a picture of his brother, Jokim Pitts'

5 brother?

6 A. No.

7 Q. And so do you know from any information if

8 Jokim Pitts' brother looks like Jokim?

9 MR. SHINE: Objection to speculation.

10 BY THE WITNESS:

11 A. I have no idea.

12 Q. Going to these interrogatories, you have

13 them in front of you?

14 A. Right here.

15 Q. Do you recall responding to these --

16 A. Yes.

17 Q. -- or assisting with it?

18 Okay. And if you look at the verification

19 which is the last page, I just want to ask -- make

20 sure it's your signature on the last page.

21 A. It is.

22 Q. Okay. I just want to look through some

23 stuff, I might have covered everything I was going to

24 ask about this.

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1 (Brief pause.)

2 BY MR. FOX:

3 Q. So if you can go to page 4 of Interrogatory

4 No. 8, it indicates at the last sentence of the answer

5 to No. 8 that to the best of your recollection, you

6 stated that you did have an opportunity to review

7 plaintiff's criminal history at some point, date

8 uncertain, because you learned he had been released

9 from custody. So is that -- Is that accurate that you

10 looked at his criminal history at the police

11 department or somewhere else?

12 MR. SHINE: Objection to mischaracterization of

13 prior testimony.

14 MS. CAMPBELL: Join.

15 BY THE WITNESS:

16 A. I believe I might have saw information on

17 him. I did not pull it up, that I recall.

18 Q. Right. And it says here you had an

19 opportunity to review it. Do you know who pulled it

20 up?

21 A. No.

22 Q. So I want to come back a minute to the --

23 You said Detective Gillerlain told you that Pitts said

24 that -- told him that it was his brother. Do you

Page 71

1 recall your testimony on that?

2 A. Yes.

3 Q. Did -- To your knowledge, did -- where, if

4 anywhere, to your knowledge did Detective Gillerlain

5 document that?

6 MR. SHINE: Objection to speculation.

7 BY THE WITNESS:

8 A. I don't know. I don't know if it's on any

9 of the reports.

10 Q. If Pitts -- Jokim Pitts had said such a

11 thing, would you expect that to be documented in some

12 report?

13 MR. SHINE: Objection.

14 MS. CAMPBELL: Objection, improper hypothetical,

15 calls for speculation --

16 MR. SHINE: Join.

17 MS. CAMPBELL: -- foundation.

18 BY THE WITNESS:

19 A. I don't know what they did on the reports.

20 Q. Right. You've been a detective for how

21 many years?

22 A. 14.

23 Q. Okay. So based on your experience as a

24 detective, if a suspect indicated -- and I'm just

Page 72

1 saying hypothetically now -- if a suspect indicated to

2 you that the suspect's brother did the act that was

3 being investigated, would you expect that to be

4 documented in some report?

5 A. If I would document something that someone

6 told me?

7 Q. Correct.

8 A. I would.

9 Q. And would you expect that of -- based on

10 your training, that generally such a thing would be

11 documented?

12 MS. CAMPBELL: Objection, foundation, incomplete

13 hypothetical.

14 BY THE WITNESS:

15 A. Yes.

16 MR. FOX: All right. Give us five minutes,

17 please.

18 MS. DORY: Okay.

19 MR. SHINE: Andrea, we're taking five.

20 MS. CAMPBELL: Okay. Thanks.

21 (A short break was taken.)

22 MR. FOX: Just a little bit more.

23 BY MR. FOX:

24 Q. At the time of this incident on March 13,

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1 2019, did you have video cameras at your house for

2 security to look at things outside or at your door?

3 A. At that time, I did not. I do now.

4 Q. Okay. And then also are you aware of any

5 reports documenting any pending investigation of Jokim

6 Pitts' brother?

7 MR. SHINE: Objection to speculation.

8 BY THE WITNESS:

9 A. No.

10 MS. CAMPBELL: Join.

11 MR. FOX: All right. I have nothing further

12 then.

13 MR. SHINE: Detective Barsch, we have just a few

14 follow-up questions for you.

15 CROSS-EXAMINATION

16 BY MR. SHINE:

17 Q. Where are you currently assigned?

18 A. Area South Cold Case -- I'm sorry. Area 2

19 Cold Case Squad.

20 Q. Counsel asked a few questions about the

21 2004 shooting that involved the plaintiff in this

22 matter and so I just want to ask a few questions about

23 that particular incident and your involvement there.

24 Did you measure the exact distance you were from

Page 74

1 Mr. Pitts at the time that you discharged your
2 firearm?

3 A. No.

4 Q. And did you ever get close enough to
5 Mr. Pitts at that time to be able to describe him?

6 A. On the shooting --

7 Q. Yes.

8 A. -- during the shooting?

9 I was close enough to see him, yes.

10 Q. And do you recall what the weather or
11 lighting was like that day?

12 A. It was dark out and there was streetlights
13 on, yes.

14 Q. During the interaction, was it clear enough
15 that you were able to actually see his face?

16 A. Yes.

17 Q. And Detective Barsch, you testified that
18 you -- also testified at his criminal trial; is that
19 correct?

20 A. Correct.

21 Q. At his criminal trial, was Mr. Pitts also
22 present there when you testified?

23 A. Yes.

24 Q. And approximately, how many times did you

Page 75

1 testify in his criminal trial?

2 A. I believe I was there for more than a few
3 dates. I testified at a motion and in the actual
4 trial itself, I believe. Actually, I can't recall;
5 but it was several times I was in the courtroom.

6 Q. And each time that you were in the
7 courtroom for the underlying criminal case related to
8 the 2004 shooting was Mr. Pitts present?

9 A. Yes.

10 Q. At Mr. Pitts' criminal trial when you
11 testified there, approximately, how far was Mr. Pitts
12 from you?

13 A. We were in the courtroom, so whatever size
14 the courtroom was at 26th Street from the stand to the
15 table which is not that far.

16 Q. And when you say "not that far," is it
17 10 feet?

18 A. It could be -- It might be a little more
19 than 10 feet, but it's indoors with lighting.

20 Q. And approximately, how long did you testify
21 for in his criminal trial?

22 A. I don't recall, but it wasn't -- I was
23 there for some questioning. I mean, I was there for
24 some time.

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1 Q. And the entire time that you were
2 testifying, were you able to see Mr. Pitts or was it
3 obstructed in any way?

4 A. I could see Mr. Pitts.

5 Q. The entire time that you testified?

6 A. Yes.

7 Q. Jumping ahead a little bit to March of
8 2019, Detective Barsch, is it your routine practice to
9 sign in and out of work?

10 A. No.

11 Q. Do you have to clock in or clock out after
12 your shift or before your shift?

13 A. No.

14 Q. Is it fair to say that your times at work
15 could change depending upon business or case need?

16 A. That's fair.

17 Q. Are there times that you would potentially
18 go in early?

19 A. Yes.

20 Q. And potentially work late?

21 A. Yes.

22 Q. So in March of 2019, the date that who you
23 believe Mr. Pitts knocked on your door, I just want to
24 talk and walk through that a little with you further.

Page 77

1 You testified that your son yelled for you; is that
2 correct?

3 A. Correct.

4 Q. Can you describe what his demeanor was like
5 at that time?

6 A. It a, like, hurry up dad yell.

7 Q. A hurry up dad yell?

8 A. Yeah. He yelled, like, dad, hurry up, come
9 here, there's someone here. It was more of a --
10 That's the best way I can describe it. He wasn't
11 nonchalant about it.

12 Q. Did it seem urgent to you?

13 A. Yes.

14 Q. Did it seem like your son was scared?

15 A. Yes.

16 Q. Detective Barsch, was it unusual for
17 someone to knock on your door like this?

18 A. No.

19 Q. Had anyone ever knocked on your door like
20 this before where your son became what you testified
21 to as being -- or appearing scared?

22 A. No.

23 Q. Can you describe what your initial reaction
24 was to hearing your son call for your help?

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1 A. My initial reaction was, well, what was --
 2 I was trying to figure out what was going on for him
 3 to yell that way.
 4 Q. Did you immediately stop what you were
 5 doing or take your time to get to the front door?
 6 A. I put down the pan of mac and cheese and I
 7 went right to the front door.
 8 Q. About how far is the kitchen to the front
 9 door?
 10 A. I'm not sure. It's -- There's a dining
 11 room in between, so the size of a room, figure
 12 20 feet.
 13 Q. And approximately, how fast or quickly did
 14 you go from the kitchen to the front door?
 15 A. It would just take seconds.
 16 Q. And why did you react so quickly?
 17 A. Because of the tone of my son's voice.
 18 Q. Detective Barsch, you testified that this
 19 individual that came to your door said something to
 20 the effect of I'll see you later or I'll catch you
 21 later; is that correct?
 22 A. Correct.
 23 Q. Can you describe the tone that was used
 24 when that statement was made?

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1 A. It was made more of a -- It wasn't -- It
 2 was more directed at me, I'll catch you later. It was
 3 more -- It seemed threatening, in a threatening way
 4 even though the words were not threatening.
 5 Q. And as the statement was made, were you
 6 making eye contact with this individual?
 7 A. When I came -- When I exited the front
 8 door, he started to retreat down the staircase in the
 9 front -- the driveway; and as I started to walk
 10 forward, I actually took my eyes off of him to glance
 11 right and left because the initial encounter was
 12 extremely odd and I did at that point feel a little
 13 apprehensive, so I looked both ways to see if there
 14 was somebody in a bush or behind the side of my house.
 15 Q. And as this individual was retreating
 16 towards his car, how long did it take him to get from
 17 your front porch to the car?
 18 A. It was seconds.
 19 Q. Was there anyone in that bush or, sort of,
 20 side area that you just described that you were
 21 looking for?
 22 A. No.
 23 Q. Did you find it weird that he was asking
 24 about a car being for sale?

1 A. Yes.
 2 Q. Why did you find that weird?
 3 A. The car was in between the two houses and
 4 pushed all the way back in the driveway, you can't see
 5 it from the street unless you're directly by the
 6 house.
 7 Q. Detective Barsch, at the time, was your car
 8 for sale?
 9 A. No, it was not.
 10 Q. Detective Barsch, did you author any
 11 reports as it relates to this particular incident?
 12 A. No.
 13 Q. Did you decide what, if any, charges to
 14 investigate further as it relates to Mr. Pitts and
 15 this particular incident?
 16 A. No.
 17 Q. Did you decide whether or not the charge
 18 that was investigated was classified as a felony or
 19 misdemeanor?
 20 A. No.
 21 Q. And do you know for certain why
 22 Detective Kenah was assigned by Sergeant Beck in this
 23 matter?
 24 A. Personally, I do not.

1 Q. Detective Barsch, would you consider
 2 yourself a victim in this case?
 3 A. Myself and my son.
 4 Q. And is it fair to say that you were not an
 5 investigating detective as it relates to this
 6 underlying incident, correct?
 7 A. That is correct.
 8 Q. Detective Barsch, how did this incident
 9 make you feel?
 10 A. It made me scared for my family's life and
 11 I was threatened.
 12 Q. And, Detective Barsch, you previously
 13 testified that you did not have a surveillance camera
 14 and/or video in place at the time but you do now; is
 15 that correct?
 16 A. That is correct.
 17 Q. Have you changed anything about your life
 18 or your home other than installing the alarm system as
 19 a result of this incident?
 20 A. We've had to make adjustments to schedules
 21 to make sure that none of the -- my youngest son is
 22 not home by himself, one of the other two guys are
 23 there. We've notified neighbors that at certain times
 24 in the day or afternoon that the kids might be home by

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1 themselves, so they check on them. They also have
2 been given all the neighbors' phone numbers; and
3 access, they all have their own phones now to call 911
4 if something comes up at home. And all the neighbors,
5 I believe, know about -- generally about someone
6 showing up at my front door that may have been trying
7 to get in the house and may have been trying to
8 threaten family and he may return.

9 Q. One additional follow-up as it relates to
10 the criminal trial of Mr. Pitts. When you were
11 testifying there, were you asked to make an in-court
12 identification of him?

13 A. Yes.

14 Q. And did you make that in-court
15 identification during his criminal trial?

16 A. I did.

17 Q. And then finally, Detective Barsch, as you
18 described yourself as being a victim in this matter,
19 to your knowledge, what is the status of this case
20 today?

21 A. This case is still open.

22 Q. And by "this case," do you mean the
23 underlying lawsuit or the underlying criminal
24 incident?

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1 A. The criminal incident is still open and
2 undergoing.

3 MR. SHINE: I have nothing further.

4 MR. FOX: I just wanted to follow up on a couple
5 things that you just testified to.

6 REDIRECT EXAMINATION

7 BY MR. FOX:

8 Q. You said that yourself and your son was a
9 victim; is that right?

10 A. Yes. I feel that my son was a victim too.

11 Q. And your son was a victim because he was
12 scared by this guy who was at the front door?

13 A. Yes.

14 Q. And among other things you -- it seemed
15 like he was scared because of the way he yelled for
16 you?

17 A. That's correct.

18 Q. And this was significant in your mind that
19 your son was scared of this whole event as well?

20 A. Correct.

21 Q. All right. And it was to the point where
22 you -- he was scared to the point where you felt he
23 was a victim then, right?

24 A. I felt he was victimized as well.

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1 Q. Now, I want you to look at Exhibit 1 again.
2 This is the Original Case Incident Report. Do you see
3 anything in the narrative -- and maybe I'm just
4 missing it, but do you see anything in the narrative
5 there about your son being scared or your son being
6 victimized or your son yelling to you as if it was
7 urgent, he was really scared of what was going on,
8 anything to that effect?

9 MR. SHINE: I would object to speculation and
10 mischaracterizing prior testimony.

11 MR. FOX: So actually I'm just having him read
12 the report, so there's nothing speculative about it;
13 so I'm just asking if anything is in there.

14 MS. CAMPBELL: I'm objecting to him not authoring
15 the report.

16 (Witness peruses document.)

17 BY THE WITNESS:

18 A. No, I don't see anything in the narrative
19 that lists him as the victim.

20 Q. Do -- In the reports, they always list
21 victims, right, who the victim is?

22 MR. SHINE: Objection to speculation.

23 BY MR. FOX:

24 Q. Well, let's look at this Original Case

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1 Incident Report on the first page. It lists the
2 victim, do you see that? In the second box down, it
3 says victim individual.

4 A. It doesn't state that on my copy.

5 Q. Okay. Let me see what you're looking at.
6 If I could just -- If you look -- Do you see
7 "Occurrence Date," where the occurrence date is in the
8 top box?

9 A. Yes.

10 Q. And then look right below that, it says
11 victim individual.

12 A. It doesn't state on my copy.

13 MS. DORY: I think our printer may have --

14 MR. SHINE: The printer may have deleted it out.

15 BY MR. FOX:

16 Q. Okay. Let me show you my copy here.
17 (Document tendered.)

18 BY MR. FOX:

19 Q. I'm talking about right there.

20 A. Okay,

21 Q. It lists the victim, correct?

22 A. Correct.

23 Q. And your son is not there, is he?

24 A. No.

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1 Q. And there's nothing in that report that
 2 even references your son, is there?
 3 MR. SHINE: Objection to speculation as well as
 4 inconsistent with the document that is being
 5 presented.
 6 BY THE WITNESS:
 7 A. It does.
 8 Q. As a witness?
 9 A. Yes.
 10 Q. But nothing about him being a victim, is
 11 there?
 12 A. No.
 13 Q. And there's no indication anywhere in that
 14 report that he was scared of anything, is there?
 15 A. Nothing in this report.
 16 MR. FOX: I have nothing further.
 17 MS. DORY: Andrea, do you have anything?
 18 MS. CAMPBELL: No questions from the City.
 19 MR. SHINE: There's nothing further.
 20 MR. FOX: You guys going to reserve?
 21 MR. SHINE: We'll reserve.
 22 (Witness excused.)
 23
 24

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1 IN THE UNITED STATES DISTRICT COURT
 2 NORTHERN DISTRICT OF ILLINOIS
 3 EASTERN DIVISION
 4 JOKIM PITTS,)
 5)
 6 Plaintiff,)
 7)
 8 -vs-) No. 2019 C 7575
 9)
 10)
 11 CITY OF CHICAGO DETECTIVE,)
 12 H. BARSCH, UNKNOWN AND)
 13 UNNAMED CITY OF CHICAGO)
 14 POLICE OFFICERS, and THE CITY)
 15 OF CHICAGO,)
 16)
 17 Defendants.)
 18
 19 I, HENRY BARSCH, state that I have read the
 20 foregoing transcript of the testimony given by me at
 21 my deposition on the 22nd day of July, 2020, and that
 22 said transcript constitutes a true and correct record
 23 of the testimony given by me at the said deposition
 24 except as I have so indicated on the errata sheets
 provided herein.

 HENRY BARSCH
 No corrections (Please initial) _____
 Number of errata sheets _____
 submitted _____ (pgs.)
 SUBSCRIBED AND SWORN to
 before me this _____ day
 of _____, 2020.

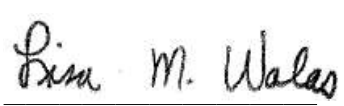
 NOTARY PUBLIC

Page 88

1 UNITED STATES OF AMERICA)
 2 NORTHERN DISTRICT OF ILLINOIS)
 3 EASTERN DIVISION) SS.
 4 STATE OF ILLINOIS)
 5 COUNTY OF COOK)
 6
 7 I, Lisa M. Walas, Certified Shorthand
 8 Reporter, do hereby certify that HENRY BARSCH was
 9 first duly sworn by me to testify to the whole truth
 10 and that the above deposition was reported
 11 stenographically by me and reduced to typewriting
 12 under my personal direction.
 13 I further certify that the said deposition
 14 was taken at the time and place specified and that the
 15 taking of said deposition commenced on the 22nd day of
 16 July, A.D., 2020, at 1:15 p.m.
 17 I further certify that I am not a relative
 18 or employee or attorney or counsel of any of the
 19 parties, nor a relative or employee of such attorney
 20 or counsel nor financially interested directly or
 21 indirectly in this action.
 22
 23
 24

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1 In witness whereof, I have hereunto set my
 2 hand this 18th day of September, A.D., 2020.
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LISA M. WALAS, CSR
 180 North LaSalle Street
 Suite 2800
 Chicago, Illinois 60601
 Phone: (312) 236-6936

CSR No. 084-3787

1 Errata Sheet

2

3 NAME OF CASE: Pitts vs City of Chicago

4 DATE OF DEPOSITION: 07/22/2020

5 NAME OF WITNESS: Henry Barsch

6

7 Page _____ Line _____ Reason _____

8 From _____ to _____

9 Page _____ Line _____ Reason _____

10 From _____ to _____

11 Page _____ Line _____ Reason _____

12 From _____ to _____

13 Page _____ Line _____ Reason _____

14 From _____ to _____

15 Page _____ Line _____ Reason _____

16 From _____ to _____

17 Page _____ Line _____ Reason _____

18 From _____ to _____

19 Page _____ Line _____ Reason _____

20 From _____ to _____

21 Page _____ Line _____ Reason _____

22 From _____ to _____

23

24 _____

SIGNATURE OF DEPONENT

